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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,801	09/30/2003	Kerry Sellen	1DATA.112A	3680
20995	7590	06/30/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			LE, UYEN CHAUN	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			2876	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,801

Applicant(s)

SELLEN ET AL.

Examiner

Uyen-Chau N. Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-77 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-3, 5-12, 14-26, 28-42, 44-57, 59-72 and 74-77 is/are rejected.
- 7) ☒ Claim(s) 4, 13, 27, 43, 58 and 73 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ✓ 1) ☒ Notice of References Cited (PTO-892)
- ✓ 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ✓ 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/04.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 7, 16, 30, 46, 50, 61 and 76 are objected to because of the following informalities:

Re claim 7, line 2: Substitutes "it" with -- the processing service --.

Re claim 16, line 2: Substitutes "it" with -- the processing service --.

Re claim 30, line 2: Substitutes "it" with -- the processing service --.

Re claim 46, line 2: Substitutes "it" with -- the processing service --.

Re claim 50, line 2: Substitutes "it" with -- the scanner --.

Re claim 61, line 2: Substitutes "it" with -- the processing service --.

Re claim 76, line 2: Substitutes "it" with -- the processing service --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

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Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 8, 9-12, 17, 18-26, 31-42, 47-57, 62-72 and 77 are rejected under 35 U.S.C. 102(e) as being anticipated by Koakutsu (US 6,902,105).

Re claims 1-3, 8, 9-12, 17, 18-26, 31-42, 47-57, 62-72 and 77: Koakutsu discloses a method of electronically processing a check at a merchant location, the method comprising: scanning the check to obtain information about the check that facilitates electronic processing of the check wherein the information about the check includes a magnetic ink character recognition (MICR) line imprinted on the check; determining whether the check is a corporate check or a non-corporate check based on the presence or absence of an auxiliary on-us field on the MICR line; denoting the information about the check to allow processing as a corporate check transaction if the auxiliary on-us field is present; wherein determining whether the check is a corporate check or a non-corporate check comprises determining whether the auxiliary on-us field is present on the left side of the check's transit field; wherein obtaining information about the check transaction comprises scanning the check; wherein scanning the check includes reading a magnetic ink character recognition (MICR) line imprinted on the check; wherein determining whether the check transaction is a corporate or non-corporate check transaction comprises determining the presence or absence of an auxiliary on-us field on the MICR line wherein the presence of the auxiliary on-us field is

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indicative of a corporate check transaction; wherein the field comprises an auxiliary on-us field on a magnetic ink character recognition (MICR) line associated with the corporate check transaction (col. 6, line 59 through col. 12, line 45).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 5-7, 14-16, 28-30, 44-46, 59-61 and 74-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koakutsu in view of Templeton et al (US 2003/0130919). The teachings of Koakutsu have been discussed above.

Re claims 5-7, 14-16, 28-30, 44-46, 59-61 and 74-76: Koakutsu has been discussed above but is silent with respect to the processing service performs a risk

assessment of the check based at least partly on the information about, the check to determine, whether to authorize or decline the check; wherein the processing service determines whether to authorize or decline the check based at least partly on a type of service subscribed by the merchant; wherein the processing service guarantees the check it authorizes or purchases the check from the merchant thereby assuming a risk associated with the scanned check; respectively.

Templeton et al teaches a processing service performs a risk assessment of the check based at least partly on the information about, the check to determine, whether to authorize or decline the check; wherein the processing service determines whether to authorize or decline the check based at least partly on a type of service subscribed by the merchant; wherein the processing service guarantees the check it authorizes or purchases the check from the merchant thereby assuming a risk associated with the scanned check (fig. 2; paragraphs [0025], [0032] and [0040]).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Templeton et al into the system as taught by Koakutsu in order to provide Koakutsu with a more secure system in which risk assessment system is capable of making a more complete and accurate evaluation of whether to approve or decline a check transaction (i.e., the preferred risk assessment system uses a profitability coring model to evaluate the overall profitability of a transaction and utilizes the result as a key indicator in determining whether to approve or decline a transaction), and therefore an obvious expedient.

Allowable Subject Matter

7. Claims 4, 13, 27, 43, 58 and 73 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of records to Koakutsu, Templeton et al and all other cited references, taken alone or in combination, fails to teach or fairly suggest the specific structure or the method of electronically processing a check at a merchant location comprising, among other things, the information about the check allows the check processing service to process the check as a cash concentration disbursement (CCD) transaction via an automated clearing house (ACH) if the check is a corporate check as set forth in the claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Stolfo (US 5668897 A); Schrupp (US 5924737 A); Hayosh (US 6212504 B1); Hayosh (US 6611598 B1); Goeller (US 20020178112 A1); Belyi (US 20030233325 A1); Sellen et al (US 20050067484 A1) are cited as of interest and illustrate a similar structure to systems and methods for detecting corporate financial transactions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on Mon-Fri. 5:30AM-2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Uyen-Chau N. Le
June 26, 2005